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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Patent No.: **5,809,336**
Issue Date: **September 15, 1998**
Application Serial No.: **08/484,918**
Applicant(s): **Moore, (et al.)**
Title: **High Performance Microprocessor Having Variable Speed System Clock**
Docket No.: **0081-011D3**

Director
Technology Center 2180
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Customer No.: 40972

REQUEST FOR A CERTIFICATE OF CORRECTION OF PATENT FOR APPLICANTS' MISTAKE (37 CFR § 1.323)

Sir:

There is a clerical error in the above referenced patent that is more fully described below.
A certificate of correction is respectfully requested.

Litigation Notice:

U.S. Patent 5,809,336 is currently involved in litigation. Therefore, pursuant to MPEP § 1003, this Request for a Certificate of Correction is submitted to the Director for Technology Center 2180.

The details of the current litigation are as follows. Technology Properties Limited, an assignee of the entire right, title and interest of inventor Charles H. Moore in the above-referenced U.S. patent, filed a complaint for patent infringement in the United States District Court for the Eastern District of Texas Marshall Division on October 24, 2005. The current defendants in the lawsuit are Matsushita Electrical Industrial Co., Ltd., Panasonic Corporation of North America, JVC Americas Corporation, NEC Corporation, NEC Electronics America, Inc.,

NEC America, Inc., NEC Display Solutions of America, Inc., NEC Solutions America, Inc., NEC Unified Solutions, Inc., Toshiba Corporation, Toshiba America, Inc., Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc. and Toshiba America Consumer Products, LLC. The lawsuit is docketed as Civil Action No. 2-05-CV-494. Trial has not yet commenced.

Establishment of Rights of Assignees to Take Action Under 37 CFR § 3.73(b):

Technology Properties Limited, a California corporation, is the assignee of at least a portion of the right, title, and interest of inventor Charles H. Moore in U.S. Patent 5,809,336. Patriot Scientific Corporation, a Delaware corporation, is the assignee of the entire right, title, and interest of inventor Russell H. Fish in U.S. Patent 5,809,336.

Technology Properties Limited, Charles H. Moore, and Patriot Scientific Corp. have appointed the registrants associated with Customer Number 40972 to act on their behalf in connection with patents that are jointly owned by Technology Properties Limited and Patriot Scientific Corp. Copies of general powers of attorney from Technology Properties Limited, Charles H. Moore, and Patriot Scientific Corporation are submitted herewith. Certificates under 37 CFR § 3.73(b) by Technology Properties Limited, Charles H. Moore, and Patriot Scientific Corporation are also submitted herewith.

Explanation of Error for which a Certificate of Correction is Requested:

An error has been identified in the above-referenced patent in Claim 10. The error occurred in good faith, and correction of the error will not involve changes in the patent that would constitute new matter or would require re-examination. Therefore, a certificate of correction is respectfully requested.

In particular, the portion of Claim 10 that states:

clocking said input/output interface using an external
clock wherein said external clock is operative at a
frequency independent of a clock frequency of said
oscillator. (italics added)

should state

clocking said input/output interface using an external clock wherein said external clock is operative at a frequency independent of a clock frequency of said *variable speed clock.* (italics added)

The error in Claim 10 occurred inadvertently during prosecution of the associated application. Relevant portions of the prosecution history are summarized below.

1. Claim 10 of the issued patent corresponds to Claim 78 of the patent application.
2. Claims 78 and 79 were added to the patent application in the amendment filed April 11, 1996. Claim 78 recited (in part) "an oscillator." Claim 79, which depended from Claim 78, recited (in part) "said oscillator," referring to the oscillator in Claim 78.
3. In an amendment filed January 8, 1997, Claim 78 was amended to replace the term "oscillator" with "variable speed clock." However, the term "oscillator" in Claim 79 was not amended to "variable speed clock." Therefore, "said oscillator" in Claim 79 did not conform with the amendments made to Claim 78 and lacked antecedent basis in Claim 78.
4. In a supplemental amendment filed April 24, 1998, the limitations of Claim 79 were amended into Claim 78. Claim 78 thereafter contained the error of Claim 79. Issued Claim 10, which corresponds to Claim 78 of the patent application, also contains this error.

Therefore, the Assignees of the above-identified U.S. patent respectfully request that the Office issue a Certificate of Correction to correct the error in Claim 10. Two copies of Form PTO/SB/44, suitable for printing, are submitted herewith. Also enclosed is a Credit Card Payment Form PTO-2038 for \$100.00 for the required fees.

Please send the Certificate of Correction to the address listed below. If the Director has any questions or concerns, the Director is requested to contact Assignees' undersigned attorney at the number provided below.

Respectfully submitted,

Larry E. Henneman, Jr.

Dated: 6/27/06
Henneman & Associates, PLC
714 W. Michigan Ave.,
Three Rivers, MI 49093
Phone: (269) 279-8820
Fax: (269) 279-8830

Larry E. Henneman, Jr.
Reg. No. 41,063

Customer Number 40972

CERTIFICATE OF MAILING (37 CFR 1.8(A))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Director, Technology Center 2180, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 6/27/06

Larry E. Henneman, Jr.
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CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 5,809,336

APPLICATION NO.: 08/484,918

ISSUE DATE : September 15, 1998

INVENTOR(S) : Moore (et al.)

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 34.

Line 25, delete "oscillator" and insert -variable speed clock-.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Larry E. Henneman, Jr.
Henneman & Associates, PLC
714 W. Michigan Ave.
Three Rivers, MI 49093

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application for to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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